

H. R. 373.

REPORTED BY THE COMMITTEE FOR THE DISTRICT OF COLUMBIA.

JANUARY 12, 1827.

Read twice, and committed to the Committee of the Whole House to which is committed the bill to reform the penal laws of the District of Columbia.

A BILL

Concerning the government and discipline of the Penitentiary in the District of Columbia.

1 *Be it enacted by the Senate and House of Representatives*
2 *of the United States of America in Congress assembled, That*
3 the Penitentiary erected in the city of Washington in pursu-
4 ance of "An act to provide for erecting a Penitentiary in the
5 District of Columbia, and for other purposes," passed twen-
6 tieth May, eighteen hundred and twenty-six, shall be designat-
7 ed and known as the Penitentiary for the District of Colum-
8 bia, and shall be exclusively appropriated to the confining such
9 persons as may be convicted of offences which now are, or
10 may hereafter be, punishable with imprisonment and labor,
11 under the laws of the United States, or of the District of Co-
12 lumbia.

1 SEC. 2. *And be it further enacted, That it shall be the duty*
2 of the President of the United States to appoint, annually, five
3 respectable inhabitants of the District of Columbia, to be In-
4 spectors of the said Penitentiary, who shall severally hold
5 their offices for one year, from the date of their appointment.

1 **SEC. 3. *And be it further enacted,*** That the President
2 shall also appoint one Warden of the said Penitentiary, who
3 shall hold his office during the pleasure of the President.

1 **SEC. 4. *And be it further enacted,*** That said Inspectors
2 shall hold their first meeting within ten days after their ap-
3 pointment ; they shall appoint one of their number to be their
4 Secretary, who shall keep regular records of their proceed-
5 ings ; a majority shall be a quorum for the transaction of all
6 business, and all questions shall be decided by a majority of
7 those present ; they shall hold regular meetings of the board,
8 at least once in every month, and oftener, if they shall find it
9 necessary ; they shall, singly, in turns, visit and inspect the
10 Penitentiary, at least once in each week, upon some stated day,
11 to be fixed by their by-laws ; they shall direct in what labor
12 the convicts shall be employed ; it shall be their duty to pre-
13 pare a system of rules and regulations, minutely providing
14 for the discipline, health, and cleanliness of the Penitentiary,
15 the hours of labor, meals, and confinement, the government
16 and behaviour of the officers and convicts, so as best to carry
17 into effect the several directions and requisitions of this act ;
18 they shall take care that these rules and regulations be made
19 known to the officers of the prison, and the convicts, and that
20 the strictest obedience be paid thereto ; they shall provide that
21 the strictest attention be paid to preserve cleanliness through-
22 out the buildings, kitchens, cells, bedding, and, as far as may

23 be, in the persons and clothing of the convicts ; they shall ap-
 24 point, and, at their pleasure, remove such keepers, and other
 25 inferior officers and servants as may be required for the ser-
 26 vice and government of the Penitentiary ; they shall, from time
 27 to time, inspect the accounts of the Penitentiary, and shall see
 28 that the affairs thereof are conducted with economy and in-
 29 tegrity ; they shall, in the month of January, in every year,
 30 report to Congress a detailed account of the expenses and in-
 31 come of the Penitentiary, the number of convicts received,
 32 discharged, or deceased, during the year, the rules and by-
 33 laws passed, altered, or repealed, within such year, and such
 34 other matters relating to the discipline and management of the
 35 prison as may be proper to make known its state and condi-
 36 tion ; and it shall be their duty so to manage the affairs of the Pe-
 37 nitentiary, if it be possible, that the proceeds of the labor of the
 38 said convicts shall pay all the expenses of the said Peniten-
 39 tiary, and more : But nothing herein contained shall prevent
 40 the said Inspectors from employing the said convicts in labor
 41 for the United States. And, if the said Penitentiary shall
 42 fail to support itself, it shall be the duty of the said inspectors
 43 to state, in their annual report to Congress, what they suppose
 44 to be the reason of such failure.

1 **SEC. 5.** *And be it further enacted,* That the Warden shall
 2 receive a salary of dollars a year. The other officers
 3 and servants of the Penitentiary shall receive such annual or
 4 monthly pay as the Inspectors shall direct.

1 **SEC. 6. *And be it further enacted,*** That it shall be the
2 duty of the Warden to keep accurate accounts of all materials
3 bought or furnished for the use or labor of the convicts, and,
4 also, of the proceeds of their labor ; he shall make all contracts
5 and purchases for the supplies necessary for the Penitentiary ;
6 he shall have power to let out the labor of the convicts by con-
7 tract, subject always, however, to the rules and discipline of
8 the Penitentiary ; he shall, under the superintendence and in-
9 spection of the Inspectors, oversee and manage all the affairs
10 of the Penitentiary, and shall be responsible for the due en-
11 forcement of its rules, by-laws, and discipline ; he shall make
12 out and deliver to the Inspectors, at each of their monthly
13 meetings, an account of all moneys received and expended by
14 him on account of the Penitentiary during the preceding
15 month, specifying from whom received, and to whom paid,
16 and for what ; which account shall be sworn to by the War-
17 den, and carefully filed and preserved among the papers of the
18 Board of Inspectors. He shall, also, on the first Monday of
19 January, April, July, and October, in each year, make out and
20 exhibit to the proper accounting officer of the Treasury De-
21 partment, an account of all moneys received and paid on ac-
22 count of the Penitentiary for the last three months, specifying
23 from whom received, to whom paid, and for what, and shall
24 settle the same with the said Department.

1 **SEC. 7. *And be it further enacted,*** That the Warden, be-

fore he enters upon the duties of his office, shall give bond to the United States, with sufficient security, to be approved by the Inspectors of the Penitentiary, in such sum as they shall direct, conditioned that he will faithfully perform the duties of his office, and truly account for all goods, money, or other articles belonging to the United States, or to individuals, which may, in the discharge of the duties and trusts of his office, come into his custody, and pay or deliver the same over to the United States, or such persons as may be legally entitled thereto, whenever he shall be lawfully required, which bond may be sued, in the name of the United States, for the use of the United States, or any individual who may have a claim thereon, as often as the said condition may be broken, provided such suit shall be brought against the security within six years of the time when the cause of action accrued.

SEC. 8. *And be it further enacted,* That, if the Warden of the said Penitentiary shall have any interest himself in any contract made by him touching the affairs of the Penitentiary, with a view of gaining for himself, either directly or indirectly, any profit or advantage thereby, he shall be deemed guilty of a misdemeanor, and he shall, on conviction thereof, be punished by fine, not exceeding two thousand dollars, and be dismissed from office, and every such contract may be declared void by the said Inspectors.

1 **SEC. 9. *And be it further enacted,*** That the said Inspect-
2 ors shall not be concerned in any contract touching the affairs
3 of the said Penitentiary ; but, if any such contract shall be at
4 any time made, in which the said Inspectors, or any of them.
5 have, directly or indirectly, any interest, the same, so far as
6 relates to that interest, shall be wholly null and void.

1 **SEC. 10. *And be it further enacted,*** That all suits that may
2 be necessary to be brought, for any matter or thing relating
3 to the affairs of the said prison, shall be brought in the name
4 of the United States, whether the contract on which such suit
5 is founded be made in their name or not.

1 **SEC. 11. *And be it further enacted,*** That the male and
2 female convicts confined in the said Penitentiary, shall be
3 kept, and shall labor, wholly separate and apart from each
4 other. Every convict shall be confined singly in a separate
5 cell at night, and at such times of the day, as he, or she, may
6 be unemployed in labor, except at such hours and places, as
7 may be specially assigned, by the rules of the Penitentiary,
8 for religious or other instruction, or for meals, or when trans-
9 ferred to the Infirmary on account of sickness, upon the re-
10 commendation of the Physician. Each convict, immediately
11 upon being received into the Penitentiary, shall be thorough-
12 ly cleansed with warm water and soap, and shall have the hair
13 cut close ; and, the Warden, and other officers, shall take the
14 strictest precautions, to guard against the introduction of any

15 infectious or contagious disease, from the persons, or clothing,
16 of such convicts ; which precautions, it shall be the duty of
17 the Inspectors to regulate, and prescribe in their by-laws. A
18 descriptive list of the names, ages, persons, crimes, and sen-
19 tences of the convict, shall be kept by the Warden, and such
20 description shall be entered, immediately upon the reception
21 of each convict. The convicts shall be clothed at the public
22 expense, during the whole term of their confinement, in ha-
23 bits of coarse and cheap materials, uniform in color and make,
24 and so striped, or otherwise conspicuously marked, as may
26 clearly distinguish them from the ordinary dress of other
26 persons. Their bedding, and other personal accommodations,
27 shall be of the cheapest and coarsest kind consistent with use
28 and durability. The convicts shall be fed on the cheapest
29 food which will support health and strength, with as little
30 change or variety in the said diet, as may be consistent with
31 the health of the convicts, and the economy of the Peniten-
32 tiary. They shall be kept, as far as may be consistent with
33 their age, health, sex, and ability, to labor of the hardest and
34 most servile kind, and, as far as may be, uniform in its na-
35 ture, and of a kind where the work is least liable to be spoiled
36 by ignorance, neglect, or obstinacy, or the materials to be in-
37 jured, stolen, or destroyed. They shall not, at any time, be
38 permitted to converse with one another, or with strangers,
39 except by the special permission, and in presence of some offi-

cer of the prison, as may be regulated by the by-laws; they shall be made to labor diligently, in silence, and with strict obedience.

SEC. 12. *And be it further enacted,* That the Warden of the said Penitentiary shall have power to punish any convict in the Penitentiary, who shall wilfully violate, or refuse to obey the rules of the Penitentiary, or to perform the work assigned him, or who shall resist by violence any of the officers of the Penitentiary in the exercise of their lawful authority, or shall wilfully destroy any property, tools, or materials; and it shall be the duty of the said Warden to inflict such punishment, either by confinement in solitary cells, by diet on bread and water, by putting such convict in irons or in the stocks, or by whipping, not to exceed thirty-nine stripes, for the same offence; but, all such punishments shall be regularly reported to the Visiting Inspectors, at the next weekly visitation, and to the Board of Inspectors, at their monthly meeting; and no corporal punishment, by whipping, beating, or blows, shall be inflicted upon any convict, except by express direction of the said Warden, and in the presence of one of the Inspectors, who shall be informed of the cause of inflicting such punishment; and it shall be the duty of the Inspectors, to adopt and enforce special rules and by-laws regulating the times, measure, extent, and mode of such punishments, in relation to the several offences against the discipline of the Pe-

nitentiary, and to report the same in their annual report to Congress, whenever they shall be adopted, altered, or repealed.

SEC. 13. *And be it further enacted*, That the Inspectors shall appoint one regularly practising physician, to be the Physician and Surgeon of the Penitentiary, whose duty it shall be, to visit the Penitentiary at such times as may be prescribed by the Inspectors, and to render all medical and surgical aid which may be necessary. One apartment, or more, as may be needed, shall be fitted up as an Infirmary; and, in case of sickness of any convict, he, or she, upon examination of the Physician, shall, upon his order, be removed to the Infirmary, and the name of such convict shall be entered in a hospital book, to be kept for that purpose; and, whenever the Physician shall report to the Warden, that such convict is in a proper state to return to the ordinary employment of the prison, such report shall be duly entered in the same book, and the convict shall return to the ordinary discipline of the Penitentiary, so far as may be consistent with his, or her health and strength. Special rules, for the order and government of the Infirmary, shall be made and enforced by the Inspectors, and nothing in this act contained shall be construed to forbid any such relaxation of the general discipline of the Penitentiary, as may be required for the sick.

SEC. 14. *And be it further enacted*, That the Inspectors shall have power, and it is hereby made their duty, to pro-

3 vide for the separate labor and instruction of any convict un-
 4 der the age of years, and to make, and enforce,
 5 such rules and regulations therefor, as may, in their judg-
 6 ment, most conduce to the reformation and instruction of such
 7 youthful convicts; any thing in this act to the contrary, not-
 8 withstanding. They shall also have power, and it shall be
 9 their duty, to provide for all the convicts the means of reli-
 10 gious worship, and religious and moral instruction, subject,
 11 however, to general rules, not inconsistent with the discipline
 12 heretofore prescribed.

1 **SEC. 15.** *And be it further enacted,* That no person shall
 2 be permitted to visit the said Penitentiary, without a written
 3 order from one or more of the said Inspectors, except the Pre-
 4 sident of the United States, the Secretaries of the several De-
 5 partments of the Government, Members of Congress, and the
 6 Judges of the Courts of the United States.

1 **SEC. 16.** *And be it further enacted,* That if any Keeper,
 2 Assistant Keeper, or other officer, or servant, employed in, or
 3 about, the said Penitentiary, shall convey out of, or bring into
 4 the Penitentiary, to, or from, any convict confined there, any
 5 letter or writing, or shall bring into the said Penitentiary, to
 6 sell, or give away, any spiritous or vinous liquors, or any other
 7 thing whatsoever, without the consent, in writing, previously
 8 obtained, of the said Inspectors, every such person, so offend-
 9 ing, shall be deemed guilty of a misdemeanor, and shall, on

10 conviction thereof, be punished by fine, not exceeding five
11 hundred dollars, and imprisonment in the jail of the county,
12 for any time not exceeding one year.

1 **SEC. 17.** *And be it further enacted,* That the Inspectors
2 shall prescribe, and it shall be the duty of the Warden rigid-
3 ly to enforce, such rules, for the government of the subordi-
4 nate officers of the Penitentiary, as may prevent all tyranni-
5 cal or violent behaviour to the convicts, or all conversation
6 between them and the convicts, or with each other, within
7 their hearing, except for necessary purposes, and may best
8 preserve order, silence, sobriety, and gravity of deportment,
9 throughout the establishment.

1 **SEC. 17.** *And be it further enacted,* That in case of the
2 death of the Warden, or the temporary vacancy of his office, or
3 his absence, sickness, or other disability, such Keeper, or other
4 officer, as may be specially designated by the Inspectors, shall
5 have power to exercise the authority and discharge the seve-
6 ral duties of the Warden, as prescribed by this act and the
7 rules of the Penitentiary.